

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
U.S. DISTRICT COURT
DISTRICT OF NEW MEXICO

02 APR 29 PM 4:08 **MLK**

JAMES SEABA and
CORY PHILLIPS,

Plaintiffs,

Robert J. Marsh
CLERK OF COURT

v.

Civ. No. 02-103 LH/WWD

MESOSYSTEMS TECHNOLOGY, INC.,

Defendant.

PROVISIONAL DISCOVERY PLAN

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on April 17, 2002 at 2:00 p.m. and was attended by:

Plaintiffs: Angelo J. Artuso

Defendant: Christopher P. Bauman

2. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

All issues raised by the pleadings.

All discovery commenced in time to be completed by October 7, 2002. There are no issues for early discovery.

Maximum of 25 interrogatories by each party to any other party (responses due 30 days after service).

Maximum of 50 requests for admission by each party to any other party (responses due 30 days after service).

Maximum of 10 depositions by Plaintiffs and 10 by Defendant.

Each deposition (other than of parties and Chuck Call which are limited to a maximum of 8 hours each) limited to maximum of 4 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due:

From Plaintiffs by August 12, 2002.

From Defendant by September 9, 2002.

Supplementation under Rule 26(e) due 30 days after party acquires the information.

3. Other Items.

The parties request a settlement conference in October 2002.

The parties request a pretrial conference in October 2002.

Plaintiffs should be allowed until June 28, 2002, to join additional parties and until June 28, 2002, to amend the pleadings.

Defendant should be allowed until June 28, 2002, to join additional parties and until June 28, 2002, to amend the pleadings.

All potentially dispositive motions should be filed by October 21, 2002.

Plaintiffs shall provide the Pretrial Order to Defendant by 30 days before trial and Defendant shall submit to the Court by 15 days before trial.

Settlement cannot be evaluated prior to the end of discovery or may be enhanced by use of the following alternative dispute resolution procedure: settlement conference.

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: Angelo J. Artuso
Angelo J. Artuso
Attorneys for Plaintiffs
Post Office Box 2168
Albuquerque, NM 87103-2168
Telephone: (505) 848-1800

BAUMAN & DOW P.C.

By: telephonic approval 4/29/02 ~~HA~~
Christopher P. Bauman
Attorneys for Defendant
P.O. Box 30684
Albuquerque, NM 87190-0684
Telephone: (505) 883-3191

0225547